

Application No. 10/748,933  
Amendment dated FEBRUARY 24, 2006  
Reply to Office Action dated November 25, 2005

### **REMARKS**

The Applicants have carefully reviewed the Office Action dated November 25, 2005. Claims 55-58 have been canceled; claims 23-54, 61 and 62 have been withdrawn. As such, claims 1-22 and 59-60 remain under consideration. Claims 10, 16, and 59 have been amended for clarity and/or informality purposes.

#### **Affirmation of Election**

The claims have been subject to a restriction requirement. Applicants confirm the election of Group I, corresponding to claims 1-22 and 55-60, without traverse.

#### **Remarks Regarding Claim Objections**

Claims 10, 11, 16 and 57 were objected to for informalities. Claim 57 has been canceled, and claims 10 and 16 have been amended to alleviate these objections. Withdrawal of these objections is respectfully requested. Further, please note that claim 59 has been amended in order to fix a clerical error.

#### **Remarks Regarding Rejections Under 35 U.S.C. §102(b)**

Claims 1-5, 13-16, 22, 55, 56 and 58-60 were rejected based on 35 U.S.C. §102(b) as being anticipated by de Toledo, U.S. Patent No. 5,065,769. Applicants respectfully traverse this rejection, and the assertions made by the Examiner in making this rejection. In order for a reference to anticipate a claim, each and every element of that claim must be present in the reference. See M.P.E.P. §2131.

De Toledo describes small diameter guidewires of multi-filar, cross-wound coils. In the Office Action, the Examiner references Figure 1 of de Toledo which shows a core 42, with an inner coil 12 and an outer coil 14 disposed about the core 42. There is a polyimide sleeve 52 that is slid onto the distal end of the tapered portion 44 of the core 42. (column 4, lines 3-9). But the sleeve 52 is not fixed to the ball tip element 16 (see Figure 1, and column 4, line 9), and an annular space is defined between the outer surface of the sleeve 52 and the inner surface of the inner coil 12. (see Figure 1). The inner and outer coils (12, 14) of de

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Toledo appear to be connected to one another, the core wire 42, and/or the ball tip element 16, but the inner and outer coils (12, 14) are not connected to the sleeve 52.

Independent claim 1 recites, in part, a core member, a tubular member disposed about and connected to the distal end of the core member, the distal end of the tubular member extending distally beyond the distal end of the core member, and a coil member connected to the tubular member. Applicants respectfully submit that de Toledo does not teach or suggest the combination of elements including a coil member connected to the tubular member as claimed. For at least this reason, applicants assert that claim 1, and dependent claims 2-5 and 13, are allowable over de Toledo.

Independent claim 14 recites, in part, a core member, a distal assembly including a tubular member and a coil member connected to the tubular member, wherein the distal assembly is connected to the distal portion of the core member such that a portion of the distal assembly extends distally beyond the distal end of the core member. As can be appreciated from the discussion above, de Toledo does not teach or suggest a distal assembly as claimed including a coil member connected to the tubular member. For at least this reason, applicants assert that claim 14, as well as dependent claims 15, 16 and 22, are allowable over de Toledo.

Independent claim 59 recites, in part, an elongated shaft, and a distal assembly including a tubular member and a ribbon or wire connected to and extending distally of the tubular member, wherein the distal assembly is connected to the distal portion of the elongated shaft such that a portion of the distal assembly extends distally beyond the distal end of the elongated shaft. The Examiner is apparently again interpreting the sleeve 52 of de Toledo as the tubular member, and the coil members (12, 14) of de Toledo as the claimed wire or ribbon. However, as indicated above, in de Toledo, the inner and outer coils (12, 14) are not connected to the sleeve 52. As such, de Toledo does not teach or suggest a distal assembly as claimed, including a ribbon or wire connected to and extending distally of the tubular member. For at least this reason, applicants assert that claim 59, and dependent claim 60, are allowable over de Toledo.

Claims 1-7, 13-17, 19, 22, 55, 56 and 58-60 were rejected based on 35 U.S.C. §102(b) as being anticipated by Badera et al., U.S. Patent No. 5,040,543 (hereinafter "Badera").

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Applicants respectfully traverse this rejection, and the assertions made by the Examiner in making this rejection.

The Examiner refers to Figures 1 and 2 of Badera, which discloses a movable core guidewire. As shown in Figure 1, a movable core wire 4 is slidably received within the lumen of the helical coil 2 (see column 3, lines 33-34). The movable core wire 4 has a polymeric element 6 on its distal end (see column 3, lines 34-35, and column 2, lines 18-32 for a description of this element). The flexible polymeric element 6 appears to facilitate smooth movement of the movable core wire 4 within the lumen of the helical coil 2. (column 2, lines 18-32). Thus, the flexible polymeric element 6 is not connected to the helical coil 2, but instead is movable within the helical coil 2.

Again, Independent claim 1 recites, among other elements, a coil member connected to the tubular member. This is not taught or suggested in Badera. The helical coil 2 in Badera is not connected to the flexible polymeric element 6, but rather is on the core wire, which is movable within the helical coil 2. For at least this reason, applicants respectfully submit that claim 1, and dependent claims 2-7 and 13, are allowable over Badera.

As discussed above, independent claim 14 recites, among other elements, a distal assembly including a tubular member and a coil member connected to the tubular member. As can be appreciated from the discussion above, Badera does not teach or suggest a distal assembly as claimed including a coil member connected to the tubular member. For at least this reason, applicants assert that claim 14, and dependent claims 15-17, 19 and 22, are allowable over Badera.

As set forth above, independent claim 59 recites, among other elements, an elongated shaft, and a distal assembly including a tubular member and a ribbon or wire connected to and extending distally of the tubular member. The Examiner is apparently again interpreting the polymeric element 6 of Badera as the tubular member, and the helical coil 2 of Badera as the claimed wire or ribbon. However, as indicated above, in Badera, the helical coil 2 of Badera is not connected to the polymeric element 6, but rather the polymeric element 6 is on the core to facilitate smooth movement of the movable core wire 4 within the lumen of the helical coil 2. (column 2, lines 18-32). Thus the flexible polymeric element 6 is not connected to the helical coil 2, but instead is movable within the helical coil 2. As such, de Toledo does not

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teach or suggest a distal assembly as claimed, including a ribbon or wire connected to and extending distally of the tubular member. For at least this reason, applicants assert that claim 59, and dependent claim 60, are allowable over Badera.

**Remarks Regarding Rejections Under 35 U.S.C. §103(a)**

Claims 8, 18 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over de Toledo in view of U.S. Patent No. 6,544,231 to Palmer et al., (hereinafter "Palmer"). In order for a combination of references to render a claim obvious, each and every element of that claim must be present in the combination of references. See M.P.E.P. §2143.03.

In making this rejection, the Examiner asserts that de Toledo "teaches all of the limitations of the claims except that de Toledo does not teach the process of laser welding or soldering." Applicants respectfully traverse this rejection, and the assertions made by the Examiner in making this rejection.

As set forth in the discussion above, de Toledo does not teach or suggest all of the limitations of independent claims 1 and 14 - and claims 8, 18, and 20 are dependent upon either claim 1 or 14. Thus, for at least these reasons, applicants assert that claims 8, 18, and 20, due to their dependency upon claims 1 and/or 14, are allowable over de Toledo.

And Palmer et al., which is cited by the Examiner for the purpose of showing a process of laser welding or soldering, does not cure the deficiencies of de Toledo. Palmer does not provide the claim elements missing from de Toledo as discussed above, and there is no teaching, suggestion, or motivation in either Palmer or de Toledo to modify either to arrive at the invention claimed in independent claims 1 or 14. For at least this reason, these independent claims, and the claims dependent there from, including claims 8, 18, and 20, are allowable over de Toledo and Palmer et al., whether taken alone or in combination.

Claims 8, 18 and 20 were also rejected based on 35 U.S.C. §103(a) as being unpatentable over Badera in view of Palmer. In making this rejection, the Examiner asserts that Badera "teaches all of the limitations of the claims except that Badera does not teach the process of laser welding or soldering." Applicants respectfully traverse this rejection, and the assertions made by the Examiner in making this rejection.

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As set forth in the discussion of Badera above, Badera does not teach or suggest all of the limitations of independent claims 1 and 14. And again, applicants respectfully submit that claims 8, 18 and 20, at least due to their dependency on claims 1 and/or 14, are allowable over Badera.

And Palmer et al., which is again cited by the Examiner for the purpose of showing the process of laser welding or soldering, does not cure the deficiencies of Badera. Palmer does not provide the claim elements missing from Badera as discussed above, and there is no teaching, suggestion, or motivation in either Palmer or Badera to modify either reference to arrive at the invention as claimed in independent claims 1 or 14. As such, these independent claims, and the claims dependent there from, including claims 8, 18, and 20, are allowable over Badera and Palmer et al., whether taken alone or in combination.

Claims 9 and 10 were rejected based on 35 U.S.C. §103(a) as being unpatentable over de Toledo in view of Palmer, and further in view of Cook et al., U.S. Patent No. 5,213,111 (hereinafter "Cook"). In making this rejection, the Examiner asserts that de Toledo as modified by Palmer "teaches all of the limitations of the claim except de Toledo as modified by Palmer does not teach connecting the tubular member through crimping." Applicants respectfully traverse this rejection, and the assertions made by the Examiner in making this rejection.

As set forth above, the combination of de Toledo and Palmer do not teach or suggest the invention recited in independent claim 1, and claims 9 and 10 depend from claim 1. And Cook, which is cited by the Examiner for the purpose of showing crimping, does not cure the deficiencies of de Toledo and Palmer as set forth above. Cook, either alone, or in combination with one or both of de Toledo and Palmer, does not teach or suggest the invention recited in independent claim 1. As such, independent claim 1, and the claims dependent there from, including claims 9 and 10, are allowable over de Toledo, Palmer, and Cook, whether taken alone or in combination.

Claims 12 and 21 were rejected based on 35 U.S.C. §103(a) as being unpatentable over Badera in view of Arenas et al., U.S. Patent No. 4,676,249 (hereinafter "Arenas"). In

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making this rejection, the Examiner asserts that Badera "teaches all the limitations of the claims except Badera et al. do not teach a tubular member comprising a hemispherical cross section." Applicants respectfully traverse this rejection, and the assertions made by the Examiner in making this rejection.

As set forth in the discussion of Badera above, Badera does not teach or suggest all of the limitations of independent claims 1 and 14. Applicants respectfully submit that claims 12 and 21, at least due to their dependency on claims 1 and/or 14, are allowable over Badera for these same reasons.

And Arenas, which is cited by the Examiner for the purpose of showing a tubular member comprising a hemispherical cross section, does not cure the deficiencies of Badera as discussed above. Arenas does not provide the claim elements missing from Badera as discussed above, and there is no teaching, suggestion, or motivation in either Badera to modify either reference to arrive at the invention as claimed in independent claims 1 or 14. As such, these independent claims, and the claims dependent there from, including claims 12 and 21, are allowable over Badera and Arenas, whether taken alone or in combination.


Reexamination, reconsideration, and withdrawal of the outstanding objections and rejections are respectfully requested. It is submitted that all pending claims are now in condition for allowance, and the issuance of a Notice of Allowance in due course is respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,  
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By their attorney,

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